

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6673

BILL NUMBER: HB 1970

DATE PREPARED: Dec 14, 2000

BILL AMENDED:

SUBJECT: Drug Paraphernalia.

FISCAL ANALYST: Sherry Fontaine

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill increases the penalty for manufacturing paraphernalia related to a controlled substance other than or in addition to marijuana, hash oil, or hashish from a Class A misdemeanor to a Class D felony by creating the offense of manufacture of controlled substance paraphernalia.

The bill also increases the penalty for dealing in paraphernalia related to a controlled substance other than or in addition to marijuana, hash oil, or hashish from a Class A misdemeanor to a Class D felony by creating the offense of dealing in controlled substance paraphernalia.

It also provides that the penalty for dealing in or manufacturing paraphernalia is enhanced for a person who has a prior judgment or conviction for manufacturing, dealing, or possession of paraphernalia. It also makes related changes in the laws governing the suspension of licenses and the confiscation of property for a violation of the laws governing paraphernalia.

Effective Date: July 1, 2001.

Explanation of State Expenditures: State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor. The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost per offender for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten and a half months.

The penalty for dealing in or manufacturing paraphernalia is enhanced, from a Class D felony to a Class C

felony, for a person who has a prior judgment or conviction for manufacturing, dealing, or possession of paraphernalia. A Class C felony is punishable by a prison term ranging between two and eight years. The period of incarceration will depend upon mitigating and aggravating circumstances. The average length of stay in DOC facilities for all Class C felony offenders is approximately two years.

Explanation of State Revenues: More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum fine for a Class A misdemeanor is \$5,000 while the maximum fine for a Class D and Class C felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

Explanation of Local Expenditures: If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

Explanation of Local Revenues: Court fees for both misdemeanors and felonies are \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriffs Association.